

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested.

Claim 17 has been amended only to correct the incorrect and inadvertent use of the term “second leg” instead of the correct term “rear leg”.

The Examiner rejected Claims 17 - 20 under 35 U.S.C. 102(b) as being anticipated by Arriola.

The Applicant respectfully submits that not all elements of independent Claim 17 are disclosed in Arriola, and in particular at least the following underlined elements are not disclosed:

a shield adapted for attachment to the front leg, the shield extending from approximately ground level on the front leg up to an upper portion of the front leg, and from ground level on the front leg tapering outward toward the first side of the front leg such that an upper portion of the shield extends outward beyond the second leg such that crop residue falling off the upper portion of the shield falls beyond a path of the rear leg, and wherein the shield curves rearward as it tapers outward.

Arriola states at column 3, lines 53 – 61:

A plate 24 is mounted on the distal end of each shank 22 for being forced through a discrete subsurface layer of the soil as the apparatus 10 is advanced over the soil surface. The shanks 22 are mounted in several rows, each row extending laterally across the first frame 12. Each shank 22 is mounted proximate one of its ends to the first frame 12. Adjacent shanks 22 are nominally spaced from one another a distance substantially equal to the width of the plates 24.

Thus, as further clearly illustrated in Fig. 3, the plate 24 is a ground engaging tool, corresponding essentially to the “furrow opening device at the bottom of each leg for

engaging the ground and forming a furrow” of Claim 1. Contrary to the claimed shield, the plate 24 extends from below the ground surface up to a lower portion of the front leg, and not from “approximately ground level on the front leg up to an upper portion of the front leg” as in the claimed shield.

Further in Arriola “Adjacent shanks 22 are nominally spaced from one another a distance substantially equal to the width of the plates 24”, as illustrated in Fig. 6. Thus front and rear legs as illustrated in Fig. 6 are located such that plate 24 on a front leg does not extend beyond the shank or rear leg securing the plate in the row of shanks just behind the front row. Arriola further states that this “permits complete displacement of the soil in the subsurface layer, creating a cavity or tunnel below the plate and approximately the width of the plate.” In conjunction, all the plates in Arriola act to create a cavity or tunnel below the array of plates and approximately the width of the array of plates. This allows the operator to cover substantially all of the soil in the subsurface layer. It would, however, be redundant to have the front plates extend beyond the rear shanks, because the rear plates would then simply be creating a cavity that was already created by the front plates. Thus it is clear from the disclosure that the plate 24 therefore does not, nor should, extend, as required by the claimed shield, “beyond the rear leg”. Thus the plate 24 cannot provide the function in the claimed shield where the configuration is “such that crop residue falling off the upper portion of the shield falls beyond a path of the rear leg”. According to Arriola's device, residue falling off of any

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portion of forward shanks or plates would be directed into the path of the rearward shanks or plates.

The Applicant respectfully submits that, as independent Claim 17 is submitted not to be anticipated, the claims 18 - 20 depending therefrom are also not anticipated. The Applicant therefore respectfully requests that these rejections be withdrawn.


Applicant has made an earnest effort to be fully responsive to the Examiner's objections and believes that Claims 17 - 20, as amended herein, are in condition for allowance. The Applicant solicits the allowance of Claims 17 - 20.

If, however, the Examiner should for any reason consider this application not to be in condition for allowance he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Respectfully submitted,

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